

This is a fee-waiver request. I contend the records are in the public interest.

1. Will members of the public, other than the applicant, benefit from disclosure?
  - a) Will the requested information be of significant interest to the general public or related to a particular sector of the public?

Obviously, deregulation of Alberta's electricity system is the subject of intense, ongoing public interest, especially given the volatile nature of electricity costs in Alberta since deregulation. It has been an issue in several provincial campaigns and is an ongoing issue. In terms of significant interest, it is a major issue for both general public and industry.

The fact that Alberta has a public advocate in relation to this utility is, in my view, proof enough that these records are clearly in the public interest.

- b) How will the public interest be served if the requested information is released to you?

Electrical deregulation has had a huge impact on Alberta's economy and on the household budgets of millions of Albertans. The public should have a right to know what the government was thinking when it formulated and introduced this legislation. Obviously, my intent for seeking the information is to try determine, on behalf of all Albertans, whether this major policy initiative has served their interest.

2. Will the records contribute to the public understanding of an issue?
  - a) What is the significant public issue or policy involved.

This is self evident, as described above. It could be argued that electrical deregulation is one of the biggest issues of the last decade in this province and continues to be one of the biggest issues.
  - b) How will the information you are requesting contribute to public understanding of the specific issue or policy?

Again, as detailed above, it will help inform the public as to whether this major policy initiative, which affects millions of people, and our economy, has worked as intended.
  - c) How will this information add to existing information that you already have access to?

The public has some idea of the government's stated intent of the policy. But the public has no way of knowing whether the government knew, or ought to have known, or sufficiently weighed, the risks associated with this policy. It is my belief that these records may provide this information.

3. Would the records contribute to debate on resolution of events of public interest?

Obviously, I wouldn't be seeking the records if I didn't believe they would contribute to the debate in the public interest. What other purpose would I have for them? Again, as stated above, electrical deregulation is a major ongoing issue and subject of public debate. Clearly,

knowing what the government was thinking and intending at the time the policy was advanced will add to the public debate on this issue.

4. Would the records be useful in clarifying public understanding of issues where government has itself established that public understanding?
  - a) What information has the government released on this issue or policy?

This would be a question for the government to answer. All I know is that this information has never been released, as far as I know.
  - b) What information do you feel is lacking and would be needed to assist the public in understanding the issue or policy?

The information lacking is what the government was really thinking, or knew, when it introduced deregulation. The public knows what the government has told them, but governments aren't always completely forthcoming in relation to their policies.
  - c) Will the requested information contribute to the public understanding?

Again, obviously I believe the information requested will contribute to the public understanding or I wouldn't be seeking it. Journalists act on the public's behalf in the public interest; that is recognized in law and in many other ways.
5. What is the probability that you will disseminate the contents of the record?

I am a journalist with CBC. The answers to all these questions are self evident
6. Will disclosure add to public research on the operation of the government?

Absolutely, and most especially if I post the records online, as is commonly done, or if the government attempts to pre-empt my reporting by publicly releasing the records, which it has also done recently, and in the past.
7. Has access been given to similar records at no cost?
  - a) Have you received access to records on this same or similar topic previously at no cost?

No. But federally, as mentioned previously, briefing books and notes are routinely provided at no cost to reporters. The government of Premier Ralph Klein, without any public consultation, arbitrarily changed the law to take briefing notes and books out of the public realm for five years. Now, the government, including Alberta Energy, is charging large fees to access these very same records because of the search and retrieval problems caused by the arbitrary legislative change.
8. Have there been persistent efforts by you or others to obtain the records?

I have not made a persistent effort and I know of no others. In one way, this is a test for me, for the government and for the FOI Act. It is my view that very few journalists use FOI in Alberta precisely because of laws like the one that made it much difficult and prohibitively expensive to access records like the ones I am seeking.

9. Do the records relate to a conflict between you and the government?

Only in the sense that the government refuses to waive the fee for records that are obviously in the public interest.

10. Should the public have anticipated the need of the public to have the record?

Obviously the government did or it wouldn't have changed the law to make it inaccessible for five years. The fact that these records are readily available federally, and in every other province, except Newfoundland, is proof that this government should have anticipated public interest in these documents.

11. How responsive has the public body been to your request?

The public body did suggest I eliminate duplication of records but that did not affect the fee assessed.

12. Would the waiver of the fee shift an unreasonable burden of the cost from you to the public body, such that there would be significant interference with the operations of the public body, including other programs of the public body?

Absolutely not. The public body is a multi-billion dollar operation. It should be required to prove that a fee waiver would create an unreasonable burden. Generally, the government of Alberta routinely wastes hundreds of thousands of dollars every year, and has for many years, on empty flights by its fleet of aircraft. Instead of flying commercially, the government, every year, flies planes empty to Calgary to pick up MLAs. Further, this spring, the government spent \$70,000 on a retreat at Jasper Park Lodge for its Conservative MLAs. That \$70,000 would pay for me dozens of fees assessed to journalists such as myself. It is a matter of priority and the government, in my view, uses FOI fees to dissuade journalists from using FOI to access information that is clearly in the public interest.

13. Are you motivated by commercial or other private interests?

No. I am a journalist and I act solely in the public interest.

14. Other information.

This is another obvious example of the government - Alberta Energy - using the FOI Act to resist access to information that is clearly in the public interest. It is contrary to the spirit of the Act to assess a fee for information that is readily and easily available in other jurisdictions.